

SENATE BILL No. 534

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.5; IC 13-21-3-14.5.

Synopsis: Tax revenue distribution to solid waste district. Provides that a solid waste management district or a joint solid waste management district receives a distribution of county adjusted gross income tax or county option income tax for a year unless a majority of the members of each of the fiscal bodies of the counties within the district passes a resolution disapproving the distribution for the year. Provides that the law restricting the provision of waste management services by solid waste management districts does not apply to: (1) activities conducted as part of household hazardous waste collection and disposal projects; and (2) solid waste recycling, collection, or disposal projects that are conducted for not more than one day.

Effective: July 1, 2001.

Simpson

January 23, 2001, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 534

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3.5-1.1-1.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. (a) This section
3 applies to a county solid waste management district (as defined in
4 IC 13-11-2-47) or a joint solid waste management district (as defined
5 in IC 13-11-2-113).

6 (b) A district may ~~not~~ receive a distribution under this chapter **for**
7 **a year** unless a majority of the members of each of the county fiscal
8 bodies of the counties within the district passes a resolution ~~approving~~
9 **disapproving** the distribution **for the year**.

10 SECTION 2. IC 6-3.5-6-1.3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. (a) This section
12 applies to a county solid waste management district (as defined in
13 IC 13-11-2-47) or a joint solid waste management district (as defined
14 in IC 13-11-2-113).

15 (b) A district may ~~not~~ receive a distribution under this chapter **for**
16 **a year** unless a majority of the members of each of the county fiscal
17 bodies of the counties within the district passes a resolution ~~approving~~



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1 **disapproving the distribution for the year.**

2 SECTION 3. IC 13-21-3-14.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.5. (a) This section
4 does not apply to the following:

5 (1) The continuation of waste management services that a solid
6 waste district provides with its facilities or work force before
7 March 15, 1996.

8 (2) Waste management services provided to the district under an
9 agreement entered into by the district before March 15, 1996,
10 with another person until the agreement terminates by its terms or
11 is terminated for cause.

12 (3) The development, operation, and contracting for the
13 development or operation of a publicly owned solid waste landfill
14 in a county having a population of more than one hundred seven
15 thousand (107,000) but less than one hundred eight thousand
16 (108,000). The operation of the landfill must have begun before
17 July 1, 2001.

18 (4) A contract entered into between the board and a third party
19 before May 1, 1997, for the development or operation of a solid
20 waste landfill in a county having a population of more than four
21 hundred thousand (400,000) but less than seven hundred thousand
22 (700,000). The third party is limited to those parties that
23 submitted proposals to the board under a formal request for
24 proposals that were selected by the board, before December 1,
25 1995, as finalists in the contract negotiations.

26 (5) A contract between a board and a third party to operate a
27 facility that is owned by the district and for which construction
28 was substantially complete before March 1, 1996.

29 **(6) Activities conducted as part of household hazardous waste**
30 **collection and disposal projects.**

31 **(7) Solid waste recycling, collection, or disposal projects that**
32 **are conducted for not more than one (1) day.**

33 (b) Except as provided in subsection (c), a district may not:

34 (1) undertake to provide waste management services by means of
35 its own work force; or

36 (2) contract with any person to provide waste management
37 services.

38 (c) A district may perform the activities described in subsection (b),
39 if:

40 (1) the board is able to adopt a resolution under subsection (d);
41 and

42 (2) a private sector entity is not willing or able to provide waste

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1 management services at a reasonable cost to the district or if
2 requested to do so by a unit of government that performs the
3 activities with the unit's work force.

4 (d) The board may adopt a resolution determining that the district
5 must either provide waste management services by means of its own
6 work force or contract with a person to provide waste management
7 services, only if the board finds that:

8 (1) the waste management service is not currently available in the
9 district at a reasonable cost; and

10 (2) providing the waste management service by means of its own
11 work force or by contract will benefit the public health, welfare,
12 and safety of residents of the district.

13 The board's determination must be supported with findings of fact.

14 (e) A district shall provide notice by publication under IC 5-3-1 and
15 at the time of publication serve by first class mail to any person that
16 delivers to the district an annual written request for notices before
17 January 1 of any meeting to consider adoption of a resolution making
18 a preliminary determination that it is necessary for the district to
19 undertake to provide waste management services by means of its own
20 work force or contract with any person to provide waste management
21 services.

22 (f) Whenever a district evaluates the reasonableness of cost under
23 this section, it shall:

24 (1) compare the cost of the same level of service provided in the
25 district or in similar demographic areas within Indiana; and

26 (2) if the district wishes to provide waste management services
27 with its own facilities or work force, the district must disclose the
28 entire cost of providing the service by the district, including the
29 following:

30 (A) subsidies arising from taxes, fees, grants, or
31 intergovernmental transfers;

32 (B) in-kind contributions of real estate, interests in real estate,
33 equipment, personnel, or other assets;

34 (C) discounts; and

35 (D) tax exemptions.

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